



1. In this ruling, I provide my decision on 39 applications for standing to participate in the Public Order Emergency Commission. My recommendations with respect to funding will follow in the near future.

### **General Principles**

2. Before addressing the individual applications, I wish to comment on the considerations that I have used in reaching my decision. I am guided by the Commission's Terms of Reference and the Rules of Standing and Funding issued on June 1, 2022. I have also considered standing decisions that have been issued in other public inquiries.

3. The Commission's Terms of Reference are set out in Order in Council PC 2022-0392.

Paragraph (a)(v), provides that I may, in my discretion:

(A) adopt any procedures and methods that they may consider expedient for the proper and efficient conduct of the Public Inquiry, to accept submissions in the manner they choose, including electronically, and sit at any times, in any manner and in any place in Canada that they may decide,

(B) grant any person who in the Commissioner's assessment would provide necessary contributions to the Public Inquiry and satisfies the Commissioner that they have a substantial and direct interest in the subject matter an opportunity for appropriate participation in it,

(C) recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting the remuneration and expenses and the assessment of accounts, to any person described in clause (B) if, in the Commissioner's view, the person would not otherwise be able to participate in the Public Inquiry...

4. Paragraphs a(vi)(J)-(K) of the Terms of Reference direct me to:

(J) provide the Government of Canada with an opportunity for appropriate participation in the Public Inquiry, and



(K) provide provincial, territorial and municipal governments with an opportunity for appropriate participation in the Public Inquiry, if they request it

5. This Inquiry is mandated under section 63 of the *Emergencies Act*. In enacting this provision, Parliament required that every invocation of the *Emergencies Act* would be followed by an inquiry. A public inquiry was established by Order in Council and I must interpret my Terms of Reference consistent with the requirement of s. 63 of the *Emergencies Act*. I am also mindful of the additional issues identified in paragraphs (a)(ii) and (iii) of the Terms of Reference.

6. I am committed to ensuring that this Inquiry will be fair and open. In order to do so, I must obtain and consider a broad range of information that pertains to the issues identified in the Terms of Reference.<sup>1</sup>

7. I must also bear in mind the importance of completing this Inquiry in a timely manner. Inquiries may suffer from diminished public confidence if they are significantly delayed.<sup>2</sup> The challenge for this Inquiry is more significant than most. The *Emergencies Act* establishes a statutory deadline by which the Commission's report must be tabled in Parliament. In assessing the applications that are before me, I must keep in mind the practical realities facing the Commission, including the strict timeline in which to complete the Inquiry.

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<sup>1</sup> Commissioner Dennis O'Connor, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, [Ruling on Standing and Funding](#) (May 4, 2004), at 4 [*Arar Ruling*]; Commissioner John H. Gomery, Commission of Inquiry into the Sponsorship Program and Advertising Activities, [Ruling on Standing](#) (July 5, 2004), under "Guiding Principles on Standing" [*Sponsorship Ruling*]; Commissioner Jeffrey J. Oliphant, Commission of Inquiry into Certain Allegations Respecting Business and Financial Dealings Between Karlheinz Schreiber and the Right Honourable Brian Mulroney, [Ruling on Application by Jefford Industries Limited and Arthur Jefford for Standing for Part II \(The Policy Review\)](#) (February 2009) at para. 12 [*Schreiber Ruling*].

<sup>2</sup> *Arar Ruling*, *supra*, at 5; *Sponsorship Ruling*, *supra*, under "Guiding Principles on Standing"; Commissioner Stephen T. Goudge, Inquiry into Pediatric Forensic Pathology in Ontario, [Decision on Standing and Funding](#) (August 17, 2007), at 3 [*Pediatric Pathology Ruling*]; Commissioner William Hourigan, Ottawa Light Rail Commission, [Order on Applications for Standing and Funding](#) (March 3, 2022), at 2 [*Light Rail Ruling*].



## “Substantial and Direct Interest” and “Necessary Contributions”

8. Paragraph (a)(v)(B) of the Commission’s Terms of Reference provides that I may grant standing to persons when I am satisfied that they have a “substantial and direct interest in the subject matter” of the Inquiry. This threshold requirement for standing has been used in numerous previous inquiries. Unlike previous inquiries, paragraph (a)(v)(B) also provides that, in order to obtain standing, an Applicant, in my assessment, “would provide necessary contributions to the Public Inquiry”.

9. Previous commissioners considering the “substantial and direct interest” criterion have consistently held that there is no singular test that must be satisfied by an Applicant. Instead, a review of previous decisions reveals a number of principles that previous commissioners have found useful in assessing applications for standing.<sup>3</sup> These include the following:

- a. Commissioners have a degree of discretion in determining who should have standing, but that discretion must be exercised judicially by reference to the subject matter of the inquiry and all other relevant considerations;
- b. An individual who is integrally involved in the events underlying the mandate of an inquiry may have a substantial and direct interest. On the other hand, simply being a witness to relevant events does not, in itself, constitute a substantial and direct interest;

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<sup>3</sup> *Arar Ruling*, *supra*, at 6-7; *Sponsorship Ruling*, *supra*, under “Guiding Principles on Standing”; *Schreiber Ruling*, *supra* at paras. 14-17; *Pediatric Pathology Ruling*, *supra* at 3; *Light Rail Ruling*, *supra* at 5; Commissioner John C. Major, Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, [Ruling on Standing](#) (August 9, 2006), under “Guiding Principles on Standing”; Commissioner Bruce Cohen, Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River, [Ruling on Standing](#) (April 14, 2010), at paras. 12-15 [*Salmon Fisheries Ruling*]; Commissioner J. Michael MacDonald, Chair, The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, [Participation Decision](#) (May 13, 2021), at paras. 31-33 [*Mass Casualty Ruling*]. See also Ed Ratushny, *The Conduct of Public Inquiries: Law, Policy and Practice* (Toronto: Irwin Law, 2009) at 187.



- c. Having a genuine concern about, or expertise in the issues raised in an inquiry does not, in itself, give rise to a substantial and direct interest. Having expertise may, however, be relevant in assessing whether to permit a person to participate in policy-oriented aspects of an inquiry; and
- d. In assessing applications for standing, Commissioners ought to consider:
  - i. The mandate of the Inquiry;
  - ii. The nature of that aspect of the Inquiry for which standing is sought;
  - iii. The type of interest the Applicant has;
  - iv. The connection of the particular Applicant to the Inquiry's mandate;
  - v. Whether the Applicant has a continued interest and involvement in the subject matter of the Inquiry;
  - vi. Whether the Applicant may be significantly affected by the Commission's findings and recommendations;
  - vii. Whether the Applicant is uniquely situated to offer information that will assist the Commission with its work; and
  - viii. The need to complete the Commission's work in a timely manner.

10. Assessing the “necessary contribution” criterion for participation is more nuanced in that it depends on my assessment of what contributions would assist the Commission in its work. As I indicated above, this appears to be novel language in the Order in Council establishing this Commission. The requirement for an Applicant to demonstrate that their participation “would provide necessary contributions to the Public Inquiry” appears to set a higher standard than



phrases such as “the person’s participation would further the conduct of the inquiry”, which are found in several provincial public inquiries statutes.<sup>4</sup>

11. In my view, the “necessary contribution” requirement is a second, independent threshold requirement for an Applicant to obtain standing. Even where an Applicant may have a substantial and direct interest in this Inquiry, I should not grant them standing unless their participation would in my assessment provide a “necessary contribution” to the Inquiry. Given the fact that the declaration of a public order emergency was national in scope and the powers granted to the Governor in Council were expansive, there are numerous individuals, groups and organizations that were either impacted by the invocation of the *Emergencies Act* or the measures taken under it, or feel that they have a substantial and direct interest in it. It would be practically impossible for all of them to participate in this Inquiry.

12. Given the limited time in which this Inquiry must be completed, and the potentially significant number of people and organizations that might credibly claim to have a substantial and direct interest in its subject matter, I must take a pragmatic approach to standing. By limiting participation to those who both have the requisite interest and who, in my assessment, will provide a necessary contribution, I seek to maintain a balance between the need to be open, and the need to discharge my mandate within the time that has been provided by law.

### **The Scope of Participation**

13. The ‘interest’ and ‘contribution’ criteria are not only threshold requirements for obtaining standing. They also play a role in determining the scope of a party’s right to participate in the proceedings. As the Rules on Standing and Funding made clear, standing is not an all-or-nothing

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<sup>4</sup> *Public Inquiry Act*, SBC 2007, c. 9, s. 11(4)(b); *Public Inquiries Act*, 2006, SNL 2006, c. P-38.1, s. 5(1)(b); *Public Inquiries Act*, 2009, SO 2009, c. 33, Sch. 6, s. 15(2)(c); *Public Inquiries Act*, 2013, SS 2013, c. P-38.01, s. 5(1)(b).



proposition. I retain the discretion to determine the appropriate form and scope of participation for those individuals and groups who are granted standing in order to ensure that the Inquiry is conducted in a fair and proportionate way.

14. Restrictions on party participation may be manifested in at least two ways: limits on the scope of participatory rights, and the requirement for those with similar interests to jointly exercise their participatory rights.

15. With respect to the scope of participatory rights, some past inquiries have distinguished between full parties whose rights would include the right to examine witnesses and “interveners” whose rights are largely limited to making recommendations and submissions.<sup>5</sup> It is also possible to limit a party’s participation to some, but not all aspects of a commission’s mandate.<sup>6</sup> As noted in rules 15 and 18 of the Rules on Standing and Funding, I reserved the ability to determine the specific scope of participatory rights for different Applicants based on the considerations I have outlined above. As will be seen below, I have done so with respect to particular Applicants to whom I have granted standing. I also note that, as the Commission’s work proceeds, I retain the discretion to vary the scope of a party’s participatory rights.

16. Ensuring that this Inquiry proceeds in a timely and orderly way, while protecting the rights of those who can make necessary contributions and have a substantial and direct interest to participate can also be achieved by requiring Applicants to participate jointly. Like some other commissioners have done,<sup>7</sup> I indicated in the Rules on Standing and Funding that I would consider whether an Applicant’s proposed participation would be duplicative of another

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<sup>5</sup> *Arar Ruling, supra* at 4-5; *Sponsorship Ruling, supra*, under “Guiding Principles on Standing”.

<sup>6</sup> For example, see *Mass Casualty Ruling, supra* at para. 68 (limiting participation of gun control & gun rights groups to a spect of commission related to firearms).

<sup>7</sup> See, for example, *Salmon Fisheries Ruling* at paras. 16-17.



Applicant and whether they would be willing to share a single grant of standing with other Applicants. This was done to encourage Applicants to voluntarily form coalitions with other similarly interested Applicants.

17. Even where an Applicant has applied for individual standing, commissioners have held that they may require joint participation with other Applicants.<sup>8</sup> Where multiple organizations or individuals with a common set of interests and a compatible perspective each wish to participate, it will often be in the public interest for them to participate jointly, even if their preference would be to participate separately from other parties. Again, as will be seen below, I have done so with respect to particular Applicants to whom I have granted standing. As with participatory rights, I retain the discretion to require joint participation between Applicants as the Commission's work proceeds.

18. If conflicts between grouped parties actually arise during the course of an inquiry, they are free to seek permission from the Commission to act individually.

### **The Applications**

19. Keeping these principles in mind, I move to my decisions on the individual applications. A list of all Applicants is appended to this decision as Schedule A.

### **The Government of Canada**

20. Paragraph (a)(vi)(J) of the Terms of Reference directs the Commission to provide the Government of Canada with an opportunity for appropriate participation in the Inquiry.

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<sup>8</sup> *Salmon Fisheries Ruling*, *supra* at para. 25; *Mass Casualty Ruling*, *supra* at paras. 93, 102; Commissioner J. Michael MacDonald, Chair, The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, [Participation Decision Addendum II](#) (September 16, 2021), at paras. 6-8.



21. Canada seeks full standing with respect to all aspects of the Commission's mandate. Canada states that it meets the criteria for standing as it has a substantial and direct interest in all issues before the Inquiry, it is a primary source for information on all subject areas of the Inquiry and will be directly impacted by the findings and recommendations arising from the Inquiry.

22. I am satisfied that Canada has met the criteria for standing. I therefore grant it full standing in the Inquiry.

### **Provincial Governments**

23. Paragraph (a)(vi)(K) of the Terms of Reference directs the Commission to provide provincial governments with an opportunity for appropriate participation in the Inquiry, if they request it. The Governments of Alberta, Saskatchewan, and Manitoba have each requested standing in the Inquiry.

#### The Government of Alberta

24. Alberta seeks full standing with respect to all aspects of the Commission's mandate. It states that it meets the criteria for standing as it was one of the provinces impacted by the *Emergency Economic Measures Order* and the *Emergency Measures Regulations*, it experienced a blockade at its international border in Coutts, Alberta, and it can provide an important governmental perspective to the Inquiry's policy mandate.

25. I am satisfied that Alberta meets the criteria for standing. I therefore grant it full standing in the Inquiry.

#### The Government of Saskatchewan





26. Saskatchewan seeks full standing with respect to all aspects of the Commission's mandate. It states that it meets the criteria for standing as the *Proclamation Declaring a Public Order Emergency* impacted the jurisdiction of the province and the rights of its citizens.

27. I am satisfied that Saskatchewan meets the criteria for standing. I therefore grant it full standing in the Inquiry.

#### The Government of Manitoba

28. Manitoba seeks standing limited to providing written submissions on two issues: (1) the basis for the Government's decision to declare a public order emergency and the factual circumstances in Manitoba that led to that declaration; and (2) the lessons learned from these events and whether any legislative changes are required. Manitoba states that it meets the criteria for standing as it can provide a brief factual overview of the circumstances regarding the protests at the Manitoba Legislature and the Emerson border and submissions concerning the jurisdictional scope of the federal *Emergencies Act*.

29. I am satisfied that Manitoba meets the criteria for standing. I therefore grant it in the manner it has requested.

#### **Municipal Governments**

30. Paragraph (a)(vi)(K) of the Terms of Reference directs the Commission to provide municipal governments with an opportunity for appropriate participation in the Inquiry, if they request it. The City of Ottawa and the City of Windsor have both requested standing.

#### The City of Ottawa

31. Ottawa seeks full standing with respect to the following issues: (1) the circumstances leading to the *Proclamation*; (2) the appropriateness and effectiveness of the Government's



measures in bringing the blockade to an end; and (3) the lessons learned from the blockade and how they inform policy and legislative recommendations. Ottawa states that it meets the criteria for standing as it was directly impacted by the blockade of Ottawa's downtown core and involved in responding to it and can provide relevant evidence and expertise.

32. I am satisfied that Ottawa meets the criteria for standing. I therefore grant it standing to participate in the Inquiry in the manner it has requested.

### The City of Windsor

33. Windsor seeks full standing with respect to all aspects of the Commission's mandate. Windsor states that it meets the criteria for standing as it was impacted by the Ambassador Bridge blockade and involved in responding to it, was impacted by the measures selected to address threats to critical infrastructure hosted in the City and can provide relevant evidence and expertise.

34. I am satisfied that Windsor meets the criteria for standing. I therefore grant it full standing in the Inquiry.

### **The Conservative Party of Canada**

35. The Conservative Party of Canada ("CPC") seeks full standing, other than to produce factual documents, with respect to all aspects of the Commission's mandate. It also seeks funding. In its application, the CPC emphasizes its interest in the Commission's mandate to inquire into the use of the *Emergencies Act*, and the appropriateness and effectiveness of the measures taken under it. The CPC states that this portion of the Commission's work will have a direct and far-reaching impact on current and future parliamentarians. It claims a direct interest in the use of the *Act*, and whether it should be amended. The CPC also claims a substantial and



direct interest in questions respecting Cabinet confidences and other forms of privilege, as well as issues surrounding “misinformation” and “disinformation” as set out in the Commission’s Terms of Reference.

36. The CPC states that it has a substantial and direct reputational interest in the Inquiry. The CPC points to statements by members of another political party, made in the House of Commons, that it claims demonstrate that the reputation of the CPC and its sitting MPs (whether expressly identified or otherwise) will be impacted in the course of this Inquiry.

37. I would dismiss the CPC’s application for standing.

38. It is important to recognize that in addition to this Inquiry there is a Special Joint Committee of the Senate and House of Commons on the Declaration of Emergency, which is reviewing the exercise of powers and the performance of duties and functions pursuant to the declaration of emergency. Members of the CPC sit on the Special Joint Committee and have played an active role in its proceedings.

39. Under the *Emergencies Act*, there are two significant accountability and review mechanisms: The Joint Committee established under s. 62, comprised of elected Parliamentarians and Senators, and the Inquiry established under s. 63, which operates independently. There is good reason for a separation between these mechanisms. The political process that involves elected representatives from the various parties has a role to play in how the use of the *Emergencies Act* is reviewed and assessed. But there is also an important role for an independent non-partisan process. Both ought to operate independently from one another. In this respect, I share the views expressed by Commissioner O’Connor in the Walkerton Inquiry:

[I]t is, in my view, generally undesirable to use public inquiries to have political parties advance their positions or policies. There are other more appropriate arenas



for them to do so. Mr. Jacobs, counsel for the [Ontario New Democratic Party] Group, recognized this concern and assured me that this was not the motivation underlying the application. I accept Mr. Jacobs' assurance without reservation. Nevertheless, I think there is a danger that this applicant's participation could be viewed by the public as politicizing the Inquiry in a partisan way. To the extent possible, that result should be avoided.<sup>9</sup>

40. That is not to say that political parties should never be given standing in public inquiries. Every application must be assessed on its own merits. However, the existence of the Joint Committee, and the concerns about avoiding partisanship in the Inquiry process are, in my view, important factors that weigh against granting standing when assessing the CPC's application.

41. The CPC's application identifies a range of important factual and public policy issues. It is not clear to me how its interest differs from that of the public generally, and I am not satisfied that the CPC has a direct or substantial interest in those matters.

42. In that regard, the CPC points to its particular role as the Official Opposition (or its possible future role in Government). As the *Emergencies Act* requires, the Commissioner's report is made to Parliament. It is then that these sorts of considerations come into play. I do not believe, however, that they have a role to play in this Inquiry.

43. My views are similar to those expressed by Commissioner Gomery when considering applications from political parties who sought party standing in the Sponsorship Inquiry:

[I]t is not at all apparent that a political party, in this case one opposed to the party in power, has a direct and substantial interest of its own in these questions, other than its partisan interests. These play an essential role within the political system but should not form part of the Commission's proceedings. Any misconduct which the Commission might find could result in political consequences, whether in Parliament or in an election, and therefore could be of great importance politically

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<sup>9</sup> Commissioner Denis O'Connor, The Walkerton Inquiry, [Ruling on Standing and Funding](#), under "J. Ontario New Democratic Party" [*Walkerton Ruling*].



to the applicant. However, such political consequences should not be within the Commission's contemplation when drafting its Report and recommendations.

On the other hand, to the extent that the applicant's interests are not purely partisan and are those of the public interest, they are not distinct from those of every citizen concerned to understand the matters which are the object of the Inquiry.<sup>10</sup>

44. The CPC also submits that its own reputational interests are engaged by this Inquiry. It points to statements made in the House of Commons by another political party, which can be characterized as critical of the CPC. Those comments appear to have been made in the context of discussions respecting the events surrounding the invocation of the *Emergencies Act*, the Joint Committee process, and this Inquiry.

45. In my view, these comments do not give rise to the type of risk of reputational harm that would justify standing in a public inquiry. The comments that the CPC relies on were made in the course of partisan debates in the House of Commons. Such debates do not, in my view, give rise to the sort of reputational concern that would justify standing in a public inquiry. I again find myself in agreement with Commissioner O'Connor's views in the Walkerton Inquiry, where a political party sought standing to respond to negative comments made against them by another party:

This applicant makes two submissions in arguing that it has an interest that may be affected by findings to be made in Part I. First, it says that the Premier of Ontario has called the policies, practices and procedures of the pre-1995 ONDP government into question. In response to a question from the press, the Premier apparently said that certain changes in water testing and reporting standards had been made by the previous ONDP government. The ONDP Group suggests that this comment carried with it the innuendo that these changes contributed to what happened in Walkerton. The ONDP Group submits that it should be afforded an opportunity to participate in the Inquiry in order to deal with this allegation. I do not think that the Premier's comment gives rise to the type of interest that warrants standing under s.5 of the Act. The comment seems to have been made as part of the political process in which one politician speaks on an issue and on which an opposing politician may respond

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<sup>10</sup> *Sponsorship Ruling*, *supra* under "4. Conservative Party of Canada".



in the same forum. It is clearly open to the members of this group to respond to this comment in a forum other than this Inquiry.<sup>11</sup>

46. Finally, while the CPC could possibly have some useful contributions to make respecting matters within the Commission's mandate, I do not believe that they would constitute "necessary contributions".

### **Law Enforcement**

47. Six groups and individuals associated with policing and law enforcement have applied for standing: The Ottawa Police Service, the Ontario Provincial Police, the Canadian Association of Chiefs of Police, the National Police Federation, Peter Sloly, and Richard Huggins.

#### Ottawa Police Service

48. The Ottawa Police Service ("OPS") seeks full standing with respect to all aspects of the Commission's mandate. The OPS is the municipal police force for the City of Ottawa. It was directly involved in responding to demonstrations in Ottawa from the earliest days of protests through to the ultimate removal of protestors. It liaised with government partners, responded to calls for service throughout the city and coordinated responses with other police services.

49. I conclude that the OPS satisfies the criteria for standing. It has firsthand information about key events within the scope of the Commission's mandate and is likely to have an important perspective on issues related to police powers. The choices and actions of the OPS are likely to be examined by the Inquiry. I therefore grant the OPS full standing.

#### Ontario Provincial Police

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<sup>11</sup> *Walkerton Ruling, supra* under "J. Ontario New Democratic Party"



50. The Ontario Provincial Police (“OPP”) seeks full standing, other than to cross-examine witnesses or produce policy papers, with respect to all aspects of the Commission’s mandate relevant to the policing response to protest activity and blockades in Ottawa and elsewhere. The OPP was active in Ottawa and responded to convoys and demonstrations elsewhere in Ontario. These included the Ambassador Bridge blockade and demonstrations around the Provincial Legislature. The OPP also provided intelligence reports on convoy movement to over 35 Canadian law enforcement and security agencies.

51. I conclude that the OPP satisfies the criteria for standing. Like the OPS, the OPP has firsthand knowledge of key events that the Commission will likely inquire into and has an important perspective on the policy issues related to policing. The conduct of the OPP, like the OPS, is likely to be examined during the Inquiry. I therefore grant the OPP standing in the manner it has requested.

#### Canadian Association of Chiefs of Police

52. The Canadian Association of Chiefs of Police (“CACP”) seeks limited standing to identify, tender or represent witnesses who may testify on factual issues, to participate in policy roundtables or discussions, and to make submissions on policy-related issues. The CACP proposes that its standing extend to the appropriateness and effectiveness of government measures, the lessons learned from the events underlying the Commission’s mandate, and the examination of issues regarding the efforts of police and other responders prior to and after the declaration.

53. The CACP states that it is the official voice of the leaders of municipal, regional, provincial, federal and First Nations police services across Canada. It indicates in its application that the federal government solicited its perspective during deliberations on invoking the



*Emergencies Act* and that it communicated its support for emergency measures to certain ministers. It also indicates that it assumed a facilitation and coordination role in obtaining support for the OPS from other police agencies around the country.

54. I conclude that the CACP satisfies the criteria for standing. As the voice of police leadership from across the country, the CACP is uniquely situated to provide a national perspective on the needs and abilities of police services. I would therefore grant it standing in the manner it has requested.

#### National Police Federation

55. The National Police Federation (“NPF”) seeks full standing with respect to all aspects of the Commission’s mandate. The NPF states that it is the certified bargaining agent for regular members and reservists of the RCMP below the rank of Inspector. Its members played a role in the events taking place in Ottawa, as well as in border blockades across the country. It claims a substantial and direct interest in the policing issues that are the subject of this Inquiry, including the jurisdictional lines that apply to the RCMP in locations such as the National Capital Region. It also claims a substantial and direct interest because the conduct of its members may be scrutinized during the course of the Inquiry.

56. I am satisfied that the NPF has met the criteria for standing. An important portion of the Commission’s work will consider NPF members’ actions, and those members stand to be directly affected by any changes to policing that may flow from the Commission’s findings and recommendations. I am satisfied that the NPF would make necessary and unique contributions to the Inquiry by providing insight from a national, on-the-ground perspective distinct from the organizational perspective of the RCMP itself. I would therefore grant the NPF full standing.





Peter Sloly

57. Peter Sloly is the former Chief of the OPS. He oversaw the OPS's response to the protests in Ottawa until his resignation on February 15, 2022. As such, he oversaw police efforts in response to the Freedom Convoy. He states that he has firsthand knowledge of decisions made by the OPS, and its interactions with other police services and intelligence agencies.

58. Mr. Sloly seeks standing to produce factual documents, examine witnesses, make submissions on factual, evidentiary and policy-related issues, and to participate in policy roundtables or discussions. He seeks to participate in relation to the basis for the Government of Canada's decision to declare a public order emergency and the circumstances that led to that declaration; the evolution and goals of the convoy and blockades, their leadership, organization and participants; the impact of the blockades, including their economic impact; the efforts of police and other responders prior to and after the declaration; and the lessons learned from these events and how they inform policy and legislative recommendations.

59. In my view, Mr. Sloly satisfies the requirements for standing. Given his firsthand knowledge of how events unfolded in Ottawa and his role in framing the response to these events, I am satisfied that Mr. Sloly is uniquely positioned to make necessary contributions to the Commission's fact-finding and policy processes. It is also likely that his decisions while serving as Chief of the OPS will be examined by the Inquiry. It appears to me that Mr. Sloly's perspective is distinct from the perspective of the OPS. I therefore would grant him standing in the manner that he has requested.

Richard Huggins



60. Richard Huggins seeks full standing, other than calling witnesses, with respect to all aspects of the Commission's mandate. He indicates the basis for his substantial and direct interest is that he is an RCMP officer in British Columbia and has written a book explaining law enforcement interactions to vulnerable groups. He wishes to address the fact-finding aspect of the Commission, given his background.

61. I find that this Applicant has not made out an interest that is either direct or substantial. While the Applicant clearly wishes to contribute to the work of the Commission, his interest is general. It is not sufficiently substantial and direct with respect to the subject matter of this Commission to warrant a grant of standing. As explained in the notice inviting applications for standing, there will be other ways to be involved and contribute to the public activities and information gathering by the Commission. Members of the public such as Mr. Huggins will be given an opportunity to express their views, suggest areas of investigation and have their experiences conveyed to the Commission in ways other than through being granted standing.

### **Affected Individuals & Groups**

62. The Commission received eleven applications from individuals and three applications from groups of individuals who were present at, supported or otherwise participated in some way in the protests that took place in Ottawa. The Commission also received one application from a coalition of groups representing businesses and individuals who explain that they have been negatively impacted by the protests.

### **Eleven Individual Applicants**

63. Mavis Sutherland is an individual who wanted but was unable to contribute financially to the Convoy because of measures that were put in place to prevent donations to the Convoy.



64. Danielle Height is an individual who participated in the Convoy in Ottawa from February 18 to 20, 2022 and who engaged with police and protestors. She documented some of the events that took place in that time.

65. Ruth Link is an individual who participated in the Convoy in Ottawa and who came into contact with the police. This Applicant expressed feeling physically threatened by law enforcement action.

66. Marie-Joelle LeBlanc is an individual who participated in and donated to the Convoy.

67. Jason Ehrlich is an individual who joined the “Northern BC Freedom Convoy” group and travelled with that convoy from Winnipeg to Ottawa. He participated in the protests in Ottawa from January 28 to February 14, 2022.

68. Marc Udeschini states that he acted as “negotiator” for the truckers located at Rideau and Sussex streets in Ottawa. He explains that he approached OPS officers who accepted his role as negotiator. This Applicant indicates he has a first-person account of the events that took place on February 18, 2022 with respect to law enforcement and the Convoy.

69. Jeremiah Jost is an individual who participated in the Convoy in Ottawa starting on January 29, 2022. He used his bank account to receive and distribute funds to contribute to the Convoy. He states his legal interests, including property interests, have been affected by the invocation of the *Emergencies Act* and subsequent Orders and Regulations.

70. Harold Ristau is a military veteran and pastor who participated in the Convoy in Ottawa by leading participants in prayer, and by issuing benediction and prayer near a war memorial. He states his legal interests, including property interests, have been affected by the invocation of the *Emergencies Act* and subsequent Orders and Regulations.



71. Vincent Girceys is a retired police officer and Convoy supporter who had his bank account and credit card account frozen under the authority of the *Emergencies Act*. He states his legal interests, including property interests, have been affected by the invocation of the *Emergencies Act* and subsequent Orders and Regulations.

72. Edward Cornell is a Convoy supporter whose bank account and credit card account were frozen under the authority of the *Emergencies Act*. He states his legal interests, including property interests, have been affected by the invocation of the *Emergencies Act* and subsequent Orders and Regulations.

73. Rob Stocki is a former police officer and Convoy supporter. Although he is unrepresented and his application lists only his name, he states his application is on behalf of dozens of active and non-active police officers who were subjected to wiretapping relating to the Convoy in Ottawa during the time that the *Emergencies Act* was invoked. His supporting documentation does include a notice of an authorization under s. 188 of the *Criminal Code*. The notice, however, does not expressly indicate that the interception was related to the protests or the *Emergencies Act*.

74. I have concluded that none of these individual Applicants satisfies the criteria for standing.

75. I carefully considered the criteria for standing I set out earlier in these reasons before determining that I would not grant these Applicants the standing each of them requested. Three considerations are paramount in my determination.

76. First is the requirement that an Applicant must have a “substantial and direct interest” in the subject matter of the Commission. The eleven Applicants in this group have shown some



involvement and personal interest in the subject matter of the Commission, but that interest and involvement is generally limited to their own personal experience as supporters or participants of the Convoy. Their interest is not sufficiently “substantial and direct” in the subject matter of the Commission as is required for standing to be granted. As I noted earlier, there are numerous individuals, groups and organizations that were impacted by either the events leading up to the invocation of the *Emergencies Act* or the measures taken under it. This is not, on its own, sufficient to justify a grant of standing. While some of the individuals listed above are pursuing litigation challenging the invocation of the *Emergencies Act*, I am of the view that this does not give rise to a substantial and direct interest. The requirements for standing to bring a proceeding before the Courts is distinct from the question of whether an individual ought to be granted standing to participate in a public inquiry.

77. Second, I am not satisfied that these Applicants would provide necessary contributions to the Inquiry. By and large, their contribution would be limited to what they saw, heard or experienced from their particular vantage point as a participant or supporter of the Convoy. Such evidence may be relevant to the work of the Commission and, as explained earlier, the Commission will provide opportunities and avenues for individuals such as these Applicants to express their views and relate their experiences. But, as noted in the introductory portion of these reasons, simply being a witness to relevant events does not itself justify a grant of standing.

78. Third, several organizations representing Convoy participants, protestors and other affected individuals have been granted standing. Based on the work performed and perspectives brought by each of these organizations, I am satisfied that the concerns of these Applicants will be raised by the various organizations. Importantly, when the organizations raise such concerns, they are able to do so from a broader, more representative, perspective.



79. Moreover, participation by representative organizations, rather than by way of a multiplicity of individuals, better meets the Commission's guiding principles to conduct its work effectively, expeditiously, and in accordance with the principle of proportionality.

#### Convoy Organizers

80. Tamara Lich, Chris Barber, Daniel Bulford, Tom Marazzo, Sean Tiessen, Chris Garrah, Miranda Gasinor, Joseph Janzen, Dale Enns, Ryan Mihilewicz and the Freedom 2022 Human Rights and Freedoms not-for-profit corporation jointly apply for full standing with respect to all aspects of the Commission's mandate. These individuals represent Convoy organizers as well as a selection of participants. Several of them had their assets frozen as a result of the measures taken under the *Emergencies Act*.

81. In my view, this group satisfies the criteria for standing. The Convoy organizers had a key role in the events that led to the declaration of the emergency. In addition, the Terms of Reference establishing the Commission at para. (a)(ii)(A) direct me to examine "the evolution and goals of the convoy and blockades, their leadership, organization and participants", to the extent that these issues are relevant to the circumstances of the declaration and the measures taken thereunder. The group of Convoy organizers clearly have a substantial and direct interest in this aspect of my mandate. They can provide a vantage point that goes beyond an individual Convoy participant or observer and encompasses the organization and leadership of the Convoy. Their contributions to the work of the Commission are necessary as they are uniquely situated to offer information to the Commission and give firsthand evidence as to the goals and organization of the Convoy. I would therefore grant them full standing at the Inquiry.

Richard Ocelak, Bruce Matthews, Evan Blackman, and Guy Primeau



82. These four individuals seek full standing on the factual portion of the Inquiry with respect to the appropriateness and effectiveness of measures adopted by the government, as well as lessons learned from the events and how they can inform policy and legislative recommendations. They also request funding.

83. These four individuals indicate that they had their accounts frozen by a financial institution as a result of measures taken under the *Emergencies Act*. In their application, they indicate that they seek to represent the donors to the Freedom Convoy more generally.

84. I would dismiss their application for standing.

85. This group of Applicants was personally impacted by the events in question. However, as I indicated previously, to have been personally impacted is not a sufficient basis to demonstrate a substantial and direct interest in the work of the Commission. I have already decided to grant standing to the convoy organizer group, which includes many individuals who, like these Applicants, had their personal bank accounts frozen. I am not satisfied that these Applicants would provide a necessary contribution. Others whose financial assets were frozen as a result of the *Emergencies Act* will be participating and representing the perspective of supporters of the Convoy who were financially impacted by measures taken under the *Emergencies Act*.

Dan Bosworth, Richard Musca, Monique Campeau-LeBlanc and Andre Schutten

86. These four Applicants seek full standing for the factual component of the Inquiry with respect to the basis for the Government of Canada to declare an emergency, the circumstances that led to that declaration, and the appropriateness and effectiveness of the measures selected to address the emergency. They also seek funding.



87. This group identifies as Ottawa residents and workers who were supportive of the Convoy. They indicate that, if granted standing, they will enlist other Ottawa residents and business owners to join their group. They seek to provide the perspective of sympathetic Ottawa residents and relate their experiences with the Convoy by providing firsthand accounts of the behaviour of protesters and the impact of the Convoy on life and mobility in downtown Ottawa.

88. I would not grant standing to this group.

89. My reasons for not granting standing to this group are similar to my reasons respecting the eleven individual Convoy supporters. This group is made up of individuals who have been personally impacted by the events in question and who seek to share their personal perspectives on those events. Like the individual Convoy supporters, this group can only provide the perspectives of its individual members, limited to the experiences from their particular vantage point, without providing a broader view of the events that took place or of the policy considerations at play. The fact that they are supporters that are residents and workers from Ottawa does not give them a substantial and direct interest or place them in a significantly different position as other supporters and participants in the protests. It may be that these individuals have important evidence to provide to the Commission as witnesses and, as noted earlier, the Commission will provide opportunities and avenues for such individuals to express their views and relate their experiences. As a result, I do not believe that they would make a necessary contribution to the work of the Inquiry if granted standing.

#### Ottawa Business and Community Associations

90. The Commission received applications from nine community and business associations in Ottawa: Lowertown Community Association, Action Sandy Hill, Vanier Community Association, Byward Market Business Improvement Association, Bank Street Business





Improvement Association, Sparks Street Business Improvement Association, Downtown Rideau Business Improvement Association, Vanier Business Improvement Area, and Ottawa Coalition of Business Improvement Areas (collectively, the “Ottawa Coalition of Residents and Businesses”). This Coalition seeks full standing, other than to produce policy papers and participate in policy roundtables. It seeks to participate with respect to the circumstances leading to the declaration of emergency, lessons learned from the events and how they inform policy and legislative recommendations, and the impact of the Convoy on Ottawa and the police response. It also seeks funding.

91. The members of the coalition are each established representative institutions for various business and communities throughout Ottawa. Many of them have been in existence for decades and have hundreds of active members. They claim a substantial and direct interest in the subject matter of the Inquiry due to their broadly representative nature, and the impact that the protests had on the City of Ottawa, its residents, and its businesses.

92. In my view, this group satisfies the criteria for standing. There can be no doubt that the presence of the Convoy affected Ottawa residents and businesses in and around the downtown core. In what way and to what extent are questions yet to be answered. The Ottawa Coalition of Residents and Businesses can provide broad insight into these questions as it represents an extensive number of affected businesses and individuals, encompassing a significant geographical area. I also find it relevant to my decision that each association has long-standing ties to their communities and a historical and institutional perspective that other *ad hoc* groups, such as the group of sympathetic Ottawa businesses and residents, simply do not have. I would therefore grant this group standing in the manner that they have requested.

### **Industry & Trade Organizations**



93. Three industry and trade organizations have applied for standing: The Insurance Bureau of Canada, the Calgary Chamber of Commerce, and the National Crowdfunding & Fintech Association.

#### Insurance Bureau of Canada

94. The Insurance Bureau of Canada (“IBC”) seeks standing limited to producing policy papers, participating in roundtables or discussions, and making submissions on policy-related issues. The IBC is the industry association representing Canada’s property and casualty insurance companies. During the public order emergency, measures enacted by the Government required the IBC’s members to cease providing services to designated individuals. The IBC submits that, as the representative of an industry directly involved in the implementation of *Emergency Act* measures, it has a substantial and direct interest, as well as a necessary perspective on the use of insurance-related measures as a “soft power” tool by the Government.

95. I am satisfied that the IBC satisfies the criteria for standing. I believe that the IBC will provide an important contribution to the Commission with respect to the economic measures taken under the *Emergencies Act*. I therefore grant it standing to participate in the Inquiry in the manner it has requested.

#### Calgary Chamber of Commerce

96. The Calgary Chamber of Commerce (“CCC”) seeks standing limited to producing policy papers, participating in roundtables or discussions, and making submissions on factual, evidentiary and policy-related issues. It also seeks a limited grant of funding. It wishes to make submissions respecting the economic circumstances that contributed to the invocation of the *Emergencies Act*, how the invocation of the *Act* impacted Canada’s business community, and the



role of both social media and border blockades in the declaration of emergency and their impact on the economy. The CCC claims a substantial and direct interest in matters that impact the local, regional and national economy. It indicates that its participation will ensure that the Commission receives a necessary perspective from Prairies-based businesses on the impact of the use of the *Emergencies Act*.

97. I am satisfied that the CCC meets the criteria for standing. It will provide an important perspective on the economic impact of border blockades and the subsequent use of the *Emergencies Act* on businesses in Western Canada. I therefore grant it standing to participate in the Inquiry in the manner it has requested.

#### National Crowdfunding & Fintech Association

98. The National Crowdfunding & Fintech Association (“NCFA”) seeks full standing with respect to the appropriateness and effectiveness of the measures selected in order to address the emergency, the impact of foreign funding, including donation crowdfunding platforms, the impact role and sources of misinformation and disinformation, including the use of social media, and the efforts of police and other responders prior to and after the declaration. It also seeks funding. The NCFA claims that it has a substantial and direct interest in these matters as Canada’s largest industry association representing crowdfunding platforms and fintech start-ups and scale-ups. It points to the experience of industry participants who had obligations imposed upon them under the *Emergencies Act*, as well as to post-emergency amendments made under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

99. I am satisfied that the NCFA meets the criteria for standing. Its members have a direct interest in the crowdfunding and social media aspects of the Commission’s mandate and were directly impacted by measures taken by the Government related to financial reporting



obligations. I therefore grant it standing to participate in the Inquiry with respect to crowdfunding, misinformation/disinformation associated with fundraising, and the actions of government and law enforcement related to the funding of protestors. However, I caution that the Commission's mandate does not extend to the fairness or wisdom of regulatory amendments made by the government in April 2022. While those changes may be relevant context to the policy mandate of the Commission, they are not directly the subject of the Commission's work.

### **Non-Governmental Organizations and Civil Society**

100. Seven organizations applying for standing are what I would broadly characterize as non-governmental organizations and/or representatives of civil society: The Canadian Constitution Foundation, the Democracy Fund, Citizens for Freedom, the Justice Centre for Constitutional Freedoms, the Canadian Civil Liberties Association, Veterans for Freedom, and the Criminal Lawyers' Association (Ontario) jointly with the Canadian Council of Criminal Defence Lawyers. For reasons that I will explain below, I have also included in this category an application by Professor Ryan Alford.

#### The Canadian Constitution Foundation & Professor Ryan Alford

101. The Canadian Constitution Foundation ("CCF") applies for full standing with respect to all aspects of the Commission's mandate. It also seeks funding. The CCF claims a substantial and direct interest in the subject matter of the Inquiry, pointing to the fact that it is currently pursuing an application for judicial review in the Federal Court challenging the proclamation of an emergency as well as the measures taken under the *Emergencies Act*. It emphasizes the substantial overlap between the legal issues in those proceedings and the mandate of this Commission, and notes that it has developed legal expertise in the *Emergencies Act*, as well as *Charter* issues surrounding the invocation of the *Act* and the measures taken under it.



102. I am of the view that challenging the legality of the use of the *Emergencies Act* through litigation does not, in and of itself, demonstrate a substantial and direct interest in the subject matter of the Inquiry. Nevertheless, I believe that the CCF satisfies the criteria for standing given its organizational mandate, established interest in the use of the *Emergencies Act* and the circumstances surrounding it, and its ability to represent a broad segment of society. That said, I believe it would be appropriate to place the CCF in a group along with Professor Ryan Alford.

103. Professor Alford seeks standing solely with respect to the Commission's policy mandate. He also seeks modest funding to cover travel and accommodations. Professor Alford is a Full Professor at the Bora Laskin Faculty of Law, Lakehead University. He describes himself as a scholar who has devoted most of his work to the constitutional dimensions of emergency powers. He indicates that his scholarship in this area is more critical than that of other academics who study the *Emergencies Act* and emergency powers more generally. Professor Alford notes that he has previously worked with the CCF.

104. I am satisfied that Professor Alford satisfies the criteria for standing to participate in the policy-related aspects of the Commission. His scholarship and distinct perspective could assist the Commission in exploring the policy aspects of its mandate.

105. As I have indicated above, I have decided to give the CCF and Professor Alford a single grant of standing. There is, in my view, a general alignment between the CCF's critical perspective on the use of the *Emergencies Act* as expressed through its litigation, and Professor Alford's perspectives. Further, the two entities have worked together in the past, and Professor Alford stated in his application that he would be willing to share a grant of standing with the CCF. The CCF indicated that it was not willing to share a single grant of standing, but its submissions related solely to being grouped with other organizations that were also pursuing



litigation against the use of the *Emergencies Act*. Being grouped with Professor Alford does not engage that concern.

106. Professor Alford only sought standing related to the Commission's policy mandate, the CCF sought full standing. In the circumstances, I grant full standing to the CCF and Professor Alford, jointly. As the Inquiry proceeds, it may become apparent that the joint interest and expertise of these Applicants is more limited, and will not necessitate full standing with respect to all aspects of the Commission's mandate.

The Democracy Fund, Citizens for Freedom & The Justice Centre for Constitutional Freedoms

107. Three Applicants have identified having a substantial and direct interest in the subject matter of the Inquiry based in part on having been active in providing legal education, advice and representation to protesters in locations across the Country.

108. The Democracy Fund ("TDF") seeks full standing in the Inquiry with respect to the Government's decision to invoke the *Emergencies Act*, the appropriateness and effectiveness of the measures selected by the Government, and lessons learned from those events. TDF identifies as a civil society organization mandated to protect civil liberties through education and litigation. It states that it has provided significant time and resources to providing legal information to protesters in Ottawa and Windsor. It also acted as a representative of protestors at the Ambassador bridge during injunction proceedings brought by the Automotive Parts and Manufacturing Association and the City of Windsor. It states that it represents 30 individuals who have been criminally charged in connection with protests in Ottawa and Windsor. It has indicated a willingness to share a single grant of standing with others sharing a common interest.



109. 12532239 Canada Centre d/b/a Citizens for Freedom (“C4F”) seeks full standing in the Inquiry with respect to the Government’s decision to invoke the *Emergencies Act*, the appropriateness and effectiveness of the measures selected by the Government, and lessons learned from those events, as well as the evolution of the protest movement, its leadership and organization, and the efforts of police prior to and after the declaration of emergency in Windsor. It also seeks funding.

110. C4F identifies itself as a non-profit that is made up of demonstrators against government mandates including vaccination mandates, particularly those who participated in protests in Windsor and Ottawa in February 2022. It also indicates that it provides legal representation for protestors. Like TDF, C4F acted as a representative of protestors during the Windsor injunction hearing. It has indicated a willingness to share a single grant of standing with others sharing a common interest.

111. The Justice Centre for Constitutional Freedoms (“JCCF”) seeks full standing in the Inquiry with respect to all aspects of the Commission’s mandate. The JCCF identifies itself as an independent, non-partisan charitable organization that acts as a voice for freedom in Canada’s courtrooms. It claims a substantial and direct interest in the subject matter of the Inquiry based on its on-the-ground work in Ottawa in support of protesters. Like TDF and C4F, the JCCF dispatched lawyers to Ottawa to provide *pro bono* legal advice to protesters. It has also represented individuals identified as forming the leadership of the “Freedom Convoy”. The JCCF seeks to provide the Commission with its firsthand perspective on the people and events central to the Inquiry. The JCCF also claims the potential for reputational harm in the event that the Commission makes negative findings respecting the individuals that it represented, as this may reflect negatively of the JCCF itself.



112. Unlike TDF and C4F, the JCCF does not agree to share a single grant of standing. It states that its expertise as lawyers acting in defence of *Charter* rights combined with its on-the-ground presence in Ottawa makes it “clearly unique”.

113. I do not agree. In my view, the JCCF shares much in common with TDF and C4F. All three are non-profit, non-governmental organizations whose stated mandates include public education and litigation in defence of constitutional rights and freedoms. All three were directly involved in providing legal support to protesters in Ottawa during the period of time relevant to this Inquiry. All three have connections with protesters and seek to participate in this Inquiry to further the views and perspectives of the protesters that they have worked with and represented.

114. In my view, TDF, C4F and the JCCF satisfy the criteria for standing. However, it is not necessary for each to have separate standing. I do not believe that there is any reason, at this time, to think that the JCCF’s own reputation would be impacted by the Inquiry in such a way as to justify individual standing. In light of the common interest these three groups have in the subject matter of this Inquiry, I would give them a single grant of standing. It appears to me that there may be a substantial overlap of interests and perspectives between this group of Applicants and the protest organizer group. At this stage, I am prepared to grant this group of Applicants full standing. If, as the Inquiry proceeds, it becomes apparent that there is a substantial overlap, I retain the discretion to revisit the scope of this group’s participatory rights. Indeed, as noted previously in these reasons, I retain this discretion with respect to all Parties with standing.

#### Canadian Civil Liberties Association

115. The Canadian Civil Liberties Association (“CCLA”) seeks full standing – other than producing factual documents or tendering witnesses – on all aspects of the Commission’s mandate. It also seeks funding. The CCLA describes itself as a national, non-profit, non-





governmental organization that, since 1964, has worked to protect and promote the fundamental rights and freedoms of people in Canada. The CCLA claims a substantial and direct interest in the subject matter of the Inquiry, pointing to its long-standing involvement in matters related to emergency and police powers in Canada. It states that it was actively involved when the former *War Measures Act* was invoked during the FLQ crisis and participated in the Parliamentary process leading to the enactment of the current *Emergencies Act*. It also points to a long history of advocacy and litigation related to the use of police powers, particularly as applied to protest movements. Finally, the CCLA notes that, like the CCF, it is currently engaged in legal proceedings challenging the use of the *Emergencies Act* in February 2022.

116. As I indicated above with respect to the CCF, I do not believe that the fact that the CCLA is challenging the use of the *Emergencies Act* in court itself gives it a substantial and direct interest. However, viewing its mandate, history and expertise as a whole, as well as its apparently unique history related to the *Emergencies Act* and the use of emergency powers, I am satisfied that it has satisfied the criteria for standing. I therefore grant it standing to participate in the Inquiry in the manner requested.

#### Veterans for Freedom

117. Veterans for Freedom (“V4F”) applies for full standing on all aspects of the Commission’s mandate. It also seeks funding. It identifies as a non-profit human rights advocacy group that was incorporated after the *Emergencies Act* was invoked. It claims a substantial and direct interest in the subject matter of this Inquiry because members of its steering committee participated in the protests in Ottawa during the time the *Emergencies Act* was invoked. It also states that “some of our members and veterans who have reached out to us have objectively reasonable fear for their well-being and reputation”. It does not explain the nature of these fears



or why they are objectively reasonable. It also states that its property interests have been impacted by the declaration of emergency. It does not identify what property of V4F's has been impacted, or the nature of the alleged impact.

118. I would dismiss its application for standing.

119. Unlike other organizations that I am prepared to grant standing to, V4F has no history of advocating with respect to issues within the scope of the Commission's mandate. It was only created after the *Emergencies Act* was invoked. Nor does it state that it has worked on behalf of protestors or other involved individuals such that it can be said to be representing their interests. It only states that some of the members of its steering committee attended protests. In my view, this is not a sufficient basis for obtaining standing. To the extent that individual members of V4F have relevant evidence or perspectives to provide to the Commission, this does not require standing at the Inquiry. As I have emphasized elsewhere, there are other avenues for members of the public and organizations to provide information and views to the Commission.

120. V4F's claims respecting property rights and fears of reputational or (possibly) physical well-being are devoid of any detail, and do not offer a proper basis on which to establish a substantial and direct interest.

Criminal Lawyers' Association & The Canadian Council of Criminal Defence Lawyers

121. The Criminal Lawyers' Association (Ontario) ("CLA") and the Canadian Council of Criminal Defence Lawyers ("CCCDL") apply jointly for full standing, other than to produce factual documents or identifying, tendering or representing witnesses, on all aspects of the Commission's mandate. They also seek funding. The two organizations identify as representatives of the criminal defence bar and point to myriad ways in which they have



participated in legal and policy development relevant to the criminal justice system. They emphasize the role that they and their members play in upholding civil liberties and constitutional rights in Canada. They claim a substantial and direct interest in the subject matter of this Inquiry based on their expertise on the use of police powers, the role of the criminal law in responding to emergencies, and the involvement of them and their members in public discourse when the *Emergencies Act* was first invoked.

122. In my view, the CLA and CCCDL have satisfied the criteria for standing. The use of police and criminal law powers are likely to play an important role in this Inquiry. The two organizations have a history of participating in both legal and policy matters related to these topics. Further, they have joined together to seek a single grant of standing, which I view as appropriate given the similarity in their mandates, experiences, and perspectives. As a result, I would grant them standing to participate in the Inquiry in the manner they have requested.

### **Conclusion**

123. I wish to express my appreciation for the interest that members of the public have taken in the work of this Commission. As I have explained earlier, standing at the Inquiry is not the only way in which members of the public, groups, businesses and organizations can participate in the work of the Commission. Individuals with firsthand experience of relevant matters may be interviewed by Commission Counsel, called as witnesses during public hearings, or asked to produce documents. Further, any member of the public or entity that wishes to make their views known to the Commission will soon be provided with the ability to do so through the Commission's website. The Commission encourages and values all public input respecting the important issues being addressed in this Inquiry.



124. For ease of reference, I have appended to this decision a list of those individuals and groups that have applied for standing as Schedule A, and a summary of those parties who have been granted standing as Schedule B.

125. As the Commission's work continues, if it becomes apparent to me that it would be appropriate to make changes to the decisions I have made here, including with respect to the scope, mode or right of participation for any of the Parties, as well as the requirement for the grouping of participants, I retain the discretion to do so.

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The Honourable Paul S. Rouleau  
Commissioner

June 27, 2022



**SCHEDULE A: APPLICANTS FOR STANDING**

1. The Government of Canada
2. The Government of Alberta
3. The Government of Saskatchewan
4. The Government of Manitoba
5. The City of Ottawa
6. The City of Windsor
7. The Conservative Party of Canada
8. The Ottawa Police Service
9. The Ontario Provincial Police
10. The Canadian Association of Chiefs of Police
11. The National Police Federation
12. Peter Sloly
13. Richard Huggins
14. Jason Ehrlich
15. Danielle Height
16. Edward Cornell
17. Vincent Gircys
18. Jeremiah Jost
19. Harold Ristau
20. Marie-Joelle LeBlanc
21. Ruth Link
22. Rob Stocki
23. Mavis Sutherland
24. Marc Udeschini



25. Tamara Lich, Chris Barber, Daniel Bulford, Tom Marazzo, Sean Tiessen, Chris Garrah, Miranda Gasinor, Joseph Janzen, Dale Enns, Ryan Mihilewicz & Freedom 2022 Human Rights and Freedoms not-for-profit corporation (Jointly)
26. Richard Ocelak, Bruce Matthews, Evan Blackman & Guy Primeau (Jointly)
27. Dan Bosworth, Richard Musca, Monique Campeau-LeBlanc & Andre Schutten (Jointly)
28. Action Sandy Hill, Byward Market Business Improvement Area, Bank Street Business Improvement Area, Lowertown Community Association, Ottawa Coalition of Business Improvement Areas, Sparks Street Business Improvement Area, Vanier Business Improvement Area, Vanier Community Association (Jointly)
29. The Insurance Bureau of Canada
30. The Calgary Chamber of Commerce
31. The National Crowdfunding & Fintech Association
32. The Canadian Constitution Foundation
33. Professor Ryan Alford
34. The Democracy Fund
35. Citizens for Freedom
36. The Justice Centre for Constitutional Freedoms
37. The Canadian Civil Liberties Association
38. Veterans for Freedom
39. The Criminal Lawyers' Association & The Canadian Council of Criminal Defence Lawyers (Jointly)



**SCHEDULE B: APPLICANTS GRANTED STANDING**

<b>Applicant(s)</b>	<b>Scope of Standing</b>
Government of Canada	Full participation on all aspects of mandate.
Government of Alberta	Full participation on all aspects of mandate.
Government of Saskatchewan	Full participation on all aspects of mandate.
Government of Manitoba	Written submissions only, related to the basis for declaring an emergency and the circumstances in Manitoba, and related matters.
City of Ottawa	Full participation related to the circumstances leading to the declaration of emergency, the appropriateness and effectiveness of government measures, and lessons learned and how they inform policy and legislative recommendations.
City of Windsor	Full participation on all aspects of mandate.
Ottawa Police Service	Full participation on all aspects of mandate.
Ontario Provincial Police	Full participation other than cross-examining witnesses or producing policy papers on all aspects of mandate relevant to policing response to protest activity and blockades in Ottawa and elsewhere.
Canadian Association of Chiefs of Police	Identifying, tendering or representing witnesses, participating in policy roundtables or discussions and making submissions on policy-related matters relating to the appropriateness and effectiveness of government measures, the lessons learned from the events underlying the Commission's mandate, and the examination of issues regarding the efforts of police and other responders prior to and after the declaration.
National Police Federation	Full participation on all aspects of mandate.
Peter Sloly	Production of factual documents, examination of witnesses, and making submissions on factual, evidentiary and policy matters relating to the basis for the Government of Canada's decision to declare a public order emergency and the circumstances that led to that declaration; the evolution and goals of the convoy and blockades, their leadership, organization and participants; the impact of the blockades, including their economic impact; the efforts of police and other responders prior to and after the declaration; and the lessons learned from these events and how they inform policy and legislative recommendations.



<p>Tamara Lich, Chris Barber, Daniel Bulford, Tom Marazzo, Sean Tiessen, Chris Garrah, Miranda Gasinor, Joseph Janzen, Dale Enns, Ryan Mihilewicz &amp; Freedom 2022 Human Rights and Freedoms not-for-profit corporation (Jointly)</p>	<p>Full participation on all aspects of mandate.</p>
<p>Action Sandy Hill, Byward Market Business Improvement Area, Bank Street Business Improvement Area, Lowertown Community Association, Ottawa Coalition of Business Improvement Areas, Sparks Street Business Improvement Area, Vanier Business Improvement Area &amp; Vanier Community Association (Jointly)</p>	<p>Full participation except producing policy papers and participating in policy roundtables, related to the circumstances leading to the declaration of emergency, lessons learned from the events and how they inform policy and legislative recommendations, and the impact of the Convoy on Ottawa and the police response.</p>
<p>Insurance Bureau of Canada</p>	<p>Production of policy papers, participation in roundtables or discussions and making submissions on policy-related matters related to the use of government measures impacting insurance.</p>
<p>Calgary Chamber of Commerce</p>	<p>Production of policy papers, participation in roundtables or discussions and making submissions on factual, evidentiary and policy-related matters relating to circumstances that contributed to the invocation of the <i>Emergencies Act</i>, how the invocation of the <i>Act</i> impacted Canada's business community, and the role of both social media and border blockades in the declaration of emergency and their impact on the economy.</p>
<p>The National Crowdfunding &amp; Fintech Association</p>	<p>Full participation with respect to the appropriateness and effectiveness of the measures selected in order to address the emergency, the impact of foreign funding, including donation crowdfunding platforms, the impact role and sources of misinformation and disinformation, including the use of social media, and the efforts of police and other responders prior to and after the declaration.</p>
<p>Canadian Constitution Foundation &amp; Professor Ryan Alford (Jointly)</p>	<p>Full participation on all aspects of mandate.</p>
<p>The Democracy Fund, Citizens for Freedom &amp; Justice Centre for Constitutional Freedoms (Jointly)</p>	<p>Full participation on all aspects of mandate.</p>





Canadian Civil Liberties Association	Full participation other than the production of factual documents or tendering witnesses, related to all aspects of mandate.
The Criminal Lawyers' Association & The Canadian Council of Criminal Defence Lawyers (Jointly)	Full participation, other than the production of factual documents or tendering witnesses, on all aspects of mandate.